United Nations S/2011/662

Security Council

Distr.: General
25 October 2011

Original: English

Report of the Secretary-General pursuant to Security Council resolution 1950 (2010)

I. Introduction

1. The present report is submitted pursuant to paragraph 22 of Security Council resolution 1950 (2010) of 23 November 2010, in which the Council requested me to report on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia. The report updates the assessment contained in my report of 27 October 2010 (S/2010/556), submitted pursuant to Security Council resolution 1897 (2009), and is based on information received as at 3 October 2011.

2. As in my previous report, the following assessment and recommendations are based on information provided to me by Member States and regional organizations in conformity with paragraph 21 of resolution 1950 (2010). Information was provided by Australia, Bosnia and Herzegovina, Bulgaria, Denmark, Germany, Hungary, Italy, Japan, Panama, Portugal, Singapore, Turkey, the Common Market for Eastern and Southern Africa (COMESA), the European Union and the North Atlantic Treaty Organization (NATO). Consultations have also been undertaken within the United Nations system and with the International Criminal Police Organization (INTERPOL).

3. The present report considers the situation of piracy and examines the political, legal and operational activities that have been undertaken by Member States, regional organizations and the United Nations and its partners in the fight against piracy and armed robbery at sea off the coast of Somalia, and concludes with observations.

II. Main developments on piracy off the coast of Somalia

4. Reports by the International Maritime Organization (IMO) indicate that in the first nine months of 2011 there were 185 attacks against ships in the waters off the coast of Somalia, resulting in the hijacking of 28 ships. The majority of attacks leading to vessels being hijacked during 2011 took place in the western Indian Ocean. This compares with 164 reported attacks and 37 ships hijacked during the same period in 2010. As of early October 2011, 316 people and 15 vessels were being held hostage. This compares with 389 people and 18 vessels held in October 2010.

11-54411 (E) 261011

Please recycle

5. The reduction was achieved through a combination of actions by naval forces and the improved implementation of the IMO guidance and industry-developed Best Management Practices for Protection against Somalia-Based Piracy. That included better application of self-protection measures and situational awareness by merchant ships. Naval forces reported that in the last year, 75 per cent of attacks were warded off by military intervention, while this year, merchant ships achieved the same success rate by taking robust action, including through the use of fortified safe rooms.

6. Due to the monsoon period, the incidence of attacks, which spiked in the beginning of the year, was reduced in the Somali Basin and western Indian Ocean, but increased in the southern Red Sea/Bab el-Mandab area and in the Arabian Sea, closer to the Omani coast. With the end of the monsoon period, however, the number of attacks in the Somali Basin and western Indian Ocean is expected to increase.

7. The military strategy of using naval presence and retaliatory force, combined with naval action close to the eastern coast of Somalia to contain and disrupt the activities of pirate action groups, has proved effective in the Gulf of Aden. However, it has led to a geographical shift of pirate operations into the Red Sea, the Somali Basin and further off the coast of Somalia into the Indian Ocean. Pirates now operate in the high seas at distances of up to 1,750 nautical miles, and the number of pirate attacks continues to increase. The geographic spread of pirate activities has put increased strain on scarce naval forces. In addition, the perpetrators have adjusted their methods to deter recovery by the navies through the greater use of captured ships and dhows as "mother ships", often retaining the captured crews on board as human shields.

8. This development has amplified the threat of piracy to all ships transiting the Indian Ocean, which has in turn increased insurance premiums paid by the maritime industry. Together with the ever higher ransoms paid, and time-consuming route changes, shipping costs are on the rise, with detrimental effects to the global economy.

9. Somali piracy has evolved into a sophisticated organized crime. Pirate gangs' increasing income from higher ransoms has strengthened their strike capability. In 2011, using better and heavier weapons, pirates have targeted more oil tankers and sailing vessels. Violence against seafarers has also increased. In Somalia, pirate operations are now reported along the entire east coast of the country, including from areas controlled by Al-Shabaab.

10. The plight of the 316 hostages currently held by pirates on Somali territory, mainly in "Puntland", but also in "Galmudug", is of particular concern. They include seafarers from all over the world, as well as recreational sailors from Western Europe. Authorities in these regions have provided vital assistance in securing the release of hostages. This exercise is typically carried out through a combination of efforts by shipping companies, other private actors and Governments. In some cases, the United Nations has taken on a greater role, including in situations where a ship is released while some crew members remain in custody, or in cases of hostages with repatriation complications.

III. Efforts by authorities

11. In accordance with Security Council resolution 1950 (2010), the authorizations contained in resolutions 1846 (2008), 1851 (2008) and 1897 (2009) related to counter-piracy activity in the territorial waters off the coast of Somalia and in Somalia were extended. As at 3 October 2011, no additional Member State or regional organization had transmitted advance notification of its cooperation with the Transitional Federal Government of Somalia in the fight against piracy and armed robbery at sea off the coast of Somalia.

12. The Transitional Federal Government of Somalia has stated its commitment to eradicate piracy and agreed to a national counter-piracy strategy, as stipulated in the Mogadishu road map of September 2011. The Transitional Federal Government, "Puntland", and "Galmudug" agreed to work together to develop maritime security, counter-piracy policy and legislation, and protection measures regarding Somali natural resources. Activities to facilitate these goals include the establishment of a Somalia exclusive economic zone; the appointment of a Transitional Federal Government counter-piracy coordinator under a designated ministry; the establishment of a maritime law enforcement capacity; the adoption of an agreed and coordinated maritime security strategy; initiation of development programmes for anti-piracy community engagement, linked to coastal economic projects; capacity-building within the criminal justice sector, and enactment of anti-piracy legislation. The Transitional Federal Government is exploring commercial options to patrol Somali waters.

13. The "Puntland" anti-piracy task force rendered assistance to a number of stranded crews during the reporting period. The "Puntland" authorities have outlined their anti-piracy policy and are seeking international assistance to develop a coastguard capability and coastal monitoring stations.

14. Recently, "Galmudug" has become one of the most prolific pirate bases. The "Galmudug" counter-piracy task force has expressed its intention to develop a maritime police unit both on and off shore.

15. The Kampala Process, which includes the Transitional Federal Government, "Somaliland", "Puntland" and "Galmudug", has become an effective tool to facilitate the joint development of counter-piracy plans for Somalia. The Transitional Federal Government and regional authorities discussed how best to implement maritime legislation and strengthen Somali capacity to prosecute suspected pirates during meetings on 16 February 2011 in London and on 26 May in Nairobi. More recently, the Kampala Process has facilitated agreement among the Transitional Federal Government and regional authorities to formally declare Somalia's exclusive economic zone, as promulgated in the road map. The Transitional Federal Government and the three regions are currently working to establish local counter-piracy focal point offices, for which international funding is sought. Somali authorities have stressed that only a comprehensive approach of the Transitional Federal Government and the regions that addresses instability, lack of governance and law enforcement would be successful in eliminating piracy in Somalia.

IV. International cooperation to address piracy off the coast of Somalia

16. On 3 February 2011, together with the Secretary-General of IMO, the Executive Directors of the World Food Programme (WFP) and the United Nations Office on Drugs and Crime (UNODC), as well as senior representatives of the maritime industry, I helped to launch the anti-piracy action plan in support of the 2011 World Maritime Day theme "Piracy: orchestrating the response". The plan aims at strengthening the focus on anti-piracy endeavours of all kinds and at facilitating a broader global effort. Its prime objectives aim at increasing pressure at the political level to secure the release of all hostages being held by pirates; review, improve and promote IMO guidelines; promote greater levels of support and coordination with navies; promote coordination and cooperation between States, regions, organizations and industry; assist in capacity-building in piracy-infested regions of the world, and provide care for those attacked or hijacked by pirates and for their families.

17. In 2011, IMO worked to promote further cooperation between and among States, regions and organizations through information sharing; coordination of military-civil efforts; and development and implementation of regional initiatives, such as the IMO-led Djibouti Code of Conduct.

18. The International Contact Group on Somalia, on 3 June 2011 in Kampala, recognized the need to assist Somalia and the region in building capacity to fight piracy through the Kampala Process, and to establish land-based employment and income generation projects that could contribute to a durable eradication of piracy and other illegal activities. On 30 September 2011 in Copenhagen, the Contact Group acknowledged that a solution to piracy required a comprehensive approach that would address the political, security and socio-economic root causes in Somalia and the protection of maritime resources. Participants also urged the Transitional Federal Institutions to adopt counter-piracy legislation and consider declaring an exclusive economic zone.

A. Contact Group on Piracy off the Coast of Somalia

19. Pursuant to Security Council resolution 1851 (2008), the Contact Group on Piracy off the Coast of Somalia was established on 14 January 2009 to facilitate discussions and the coordination of actions among States and organizations aimed at countering piracy off the coast of Somalia. As at October 2011, the Contact Group had over 66 participants, comprised of Member States and international, regional and non-governmental organizations.

20. The Contact Group on Piracy off the Coast of Somalia has continued to ensure close international coordination in the fight against piracy and armed robbery, meeting under the chairmanships of the Republic of Korea (November 2010), Turkey (March 2011) and Singapore (July 2011). Working closely with the Transitional Federal Government and other Somali regional administrations, the Contact Group continues to bring international stakeholders to deliver comprehensive and decisive action against this global threat. The four working groups of the Contact Group met on a regular basis over the reporting period.

21. Under the chairmanship of the United Kingdom of Great Britain and Northern Ireland and supported by IMO, Working Group 1, on operational coordination and regional capacity-building, met during the reporting period in October 2010, February 2011 and June 2011. It received regular input from the Chairs of the Shared Awareness and Deconfliction mechanism, highlighting for its membership key military capability shortfalls, particularly Maritime Patrol Aircraft and oil replenishment tankers. Working Group 1 also continues to provide a platform for dialogue among military contributors. The Contact Group on Piracy off the Coast of Somalia endorsed the priority needs identified by Working Group 1, including support for a penal/judicial capacity-building programme in Somalia and the region; the implementation of the Djibouti Code of Conduct; capacity-building of prioritized counter-piracy and maritime security capabilities of regional coastguard and maritime police and military forces, in accordance with the regional plan of action on piracy and maritime security in the Eastern and Southern Africa and Indian Ocean region; the establishment of an exclusive economic zone for Somalia; and comprehensive cross-sector counter-piracy and maritime security action in Somalia, facilitated by the United Nations, especially through the Kampala Process and the United Nations rule of law and security sector reform programmes.

22. Working Group 2, convened by Denmark, focuses on the legal aspects of counter-piracy, with the support of UNODC. It met four times during the reporting period. It has further strengthened the common approach to and understanding of the legal issues through information exchange on ongoing judicial activities, including specific counter-piracy court cases. The Working Group provided additional legal documents to the legal tool box, which serves as guidance to the Contact Group on Piracy off the Coast of Somalia, Member States and organizations on all legal aspects of counter-piracy. Working Group 2 has discussed how to ensure the effective prosecution of suspected pirates, including through analysis of the options put forward by my former Special Adviser on legal issues related to piracy off the coast of Somalia, Jack Lang. At present, more than 1,000 pirates are either serving or awaiting their sentence in the national systems of 20 States.

23. Working Group 2 developed a legal framework for transferring sentenced pirates from prosecuting States for incarceration in Somalia. This work led to the conclusion of respective agreements between Seychelles and Somalia, including the administrations of "Puntland" and "Somaliland". The Working Group is supporting efforts to put the framework into practice, which also depends on the continuous support from the international community for the construction of prisons with international standards in Somalia and the close cooperation of the Somali authorities.

24. Working Group 3 addresses the strengthening of shipping self-awareness and other capabilities, and is convened by the United States, with the support of IMO. During the reporting period, the Working Group met twice, and worked by means of correspondence through two intersessional working groups on guidance on the use of private armed security providers and on a framework for flag State guidance on the use of an IMO instrument to ensure compliance with best practices to avoid, evade and defend against piracy. Furthermore, the industry-developed Best Management Practices were updated and booklets were widely distributed.

25. Egypt convened Working Group 4, which seeks to improve diplomatic and public information efforts on all aspects of piracy. The Working Group met twice

during the reporting period, and worked to improve coordination of different media messages delivered under the auspices of the communication strategy of the Contact Group on Piracy off the Coast of Somalia. It also monitored the progress of a communication project carried out in Somali communities, which was facilitated by the United Nations Political Office for Somalia (UNPOS) and funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.

26. At its meeting on 14 July 2011, the Contact Group established Working Group 5, on financial flows. Under the chairmanship of Italy, the new Working Group intends to coordinate efforts to track and disrupt illicit financial flows, highlighting the role of those funding piracy operations and others involved indirectly in the financing of piracy. Preparatory meetings took place in the United States, the Republic of Korea and Italy.

27. The United Nations continued to support the work of the Contact Group and its working groups through technical expertise, coordination, and the facilitation of dialogue among its members.

B. Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia

28. Launched in early 2010, the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia has consolidated and expanded its activities. The Trust Fund has supported projects ranging from renovating overcrowded prisons and building up capacity in the region to prosecute and incarcerate convicted pirates to campaigning against the appeal of piracy among the Somali youth. At a Dubai donors' conference in April 2011, co-hosted by the United Arab Emirates, the Trust Fund received a new financial boost of about $4.6 million in fresh pledges, including for the first time from the private sector. These contributions are important, and I appeal once again to the international community, including the shipping industry, to continue to support the Trust Fund.

29. As at 4 October 2011, the Trust Fund had received a total of about $8.3 million since its establishment. The Board of the Trust Fund recommended the disbursement of about $7 million to fund a total of 14 projects. The projects have so far mainly supported law enforcement, prosecution and detention-related activities.

C. Regional cooperation

30. Since my last report, two more States have signed the IMO-led Djibouti Code of Conduct, namely, Eritrea, in November 2010, and the United Arab Emirates, in April 2011. This brings the total number of signatories to 18, including Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Oman, Saudi Arabia, Seychelles, Somalia, Sudan, United Arab Emirates, United Republic of Tanzania and Yemen.

31. Progress was made on all aspects of the implementation of the Djibouti Code of Conduct, which is largely funded and administered through IMO. IMO has delivered training on maritime situational awareness to staff of the information-sharing centres and conducted regional workshops. A regional programme for operational maritime law enforcement training is being developed in partnership with NATO and the

European Union. The information-sharing centres became operational in early 2011, and are now linked to all 18 Djibouti Code signatory States through the web-based information exchange network. In Tanzania, maritime situational awareness is enhanced through the upgrading of the coastal radar and automatic identification system, linked with the Tanzanian navy and the Dar es Salaam maritime rescue coordination centre. IMO, together with UNODC, and with the participation of the Office of Legal Affairs of the United Nations Secretariat, conducted initial workshops to develop a multiagency approach to maritime law enforcement in Djibouti and Nairobi as part of a larger programme to foster a cross-agency environment necessary to deliver effective maritime security.

32. The African Union, COMESA, the East African Community (EAC), the Economic Community for West African States (ECOWAS), the Intergovernmental Agency on Development (IGAD), the Indian Ocean Commission, and the Southern African Development Community (SADC) continued to keep matters related to piracy on their agenda.

33. Ministers from the Eastern and Southern Africa and Indian Ocean region adopted a regional strategy and a regional plan of action for maritime security at the second regional ministerial meeting on piracy and maritime security in the Eastern and Southern Africa and Indian Ocean region, held in Mauritius in October 2010. The strategy provides for a regional framework to prevent and combat piracy, and promote maritime security through a three-pillar approach. This would involve: (1) the development and implementation of a Somalia inland action plan to counter and prevent piracy; (2) encouraging States in the region to prosecute pirates with the financial and technical support of the international community; and (3) strengthening regional States' capacities to secure their maritime zones. The regional plan of action also includes information exchange, cooperation, joint action and capacity-building measures. It was decided that an interregional coordination committee consisting of COMESA, EAC, IGAD, the Indian Ocean Commission, SADC and the European Union would serve as the secretariat of the regional coordination mechanism to support the implementation of the plan.

34. SADC defence ministers held an extraordinary meeting in Pretoria, on 25 July 2011, at which a regional anti-piracy strategy was adopted and a task force formed comprising of navy commanders from Tanzania, Mozambique and South Africa. The task force is expected to establish a zonal centre in South Africa to coordinate information and intelligence on piracy. SADC countries were encouraged to strengthen regional and domestic legal frameworks for the arrest, the prosecution and the imprisonment or the repatriation of pirates. The importance of these measures, together with sharing of intelligence and the ratification of relevant international maritime treaties, was emphasized, given that the waters of the SADC region fall outside of the international military maritime operations being conducted off the Horn of Africa.

35. At a meeting held in Dar es Salaam on 10 December 2010, East African regional States supported the creation of regional post-release joint investigation teams. Through collaboration between the South African police and INTERPOL, a vessel released by Somali pirates in April 2011 was jointly investigated, leading to the recovery of a large quantity of evidence that is still being analysed.

36. On 18 and 19 April 2011, the United Arab Emirates, together with a private port company, held a high-level international conference in Dubai that highlighted

the importance of public-private partnerships in the fight against piracy. Participants agreed that piracy could be fought only through a comprehensive strategy that also took into account the root causes and the serious humanitarian and economic aspects of maritime piracy.

37. The Government of Seychelles hosted a high-level international piracy conference on 7 and 8 September, which focused on better implementation of the laws of the sea, political support from international organizations and national Governments, and capacity-building in coastal States. The Government of Seychelles also announced that it will host a maritime analysis and operation centre that will also be focused on analysis of illegal activities.

38. On 14 September, representatives from 47 States and organizations involved in counter-piracy operations in the Indian Ocean met at NATO headquarters to discuss ways to enhance synergies between their respective efforts in the Indian Ocean.

D. Naval activities off the coast of Somalia

39. During the reporting period, the three multinational maritime coalition forces contributing to the fight against piracy off the coast of Somalia maintained their presence in the region. In addition, several Member States independently deployed naval military assets in the region as part of the international counter-piracy effort, some of which were coordinated with the multinational coalitions. The maritime coalitions also carry out a coordinating role for forces operating in the Gulf of Aden and the Somalia Basin.

European Union

40. The first naval operation of the European Union, Atalanta, continues to play an instrumental role in the efforts of the international community to deter and fight piracy and armed robbery at sea off the coast of Somalia. As part of the European Union's global strategy for the Horn of Africa, the Council of the European Union extended the mandate of the operation for another two years in December 2010. In the reporting period, European Union countries and non-European Union-contributing States deployed naval assets comprising more than 32 vessels from 11 States and on average 4 aircraft and 1,800 personnel as part of the operation.

41. An important focus of Atalanta is the protection of WFP vessels, of which more than 100 have been escorted so far, as well as the shipping of the United Nations Support Office for the African Union Mission in Somalia (UNSOA). In addition, Atalanta has disrupted numerous pirate attacks and transferred one case for prosecution in Seychelles. Furthermore, the European Union signed a transfer agreement on suspected pirates with Mauritius on 14 July 2011.

42. The European Union is also involved in longer term efforts to counter piracy through two main tracks. It supports the implementation of the regional strategy adopted at the October 2010 Eastern and Southern Africa and Indian Ocean region ministerial conference through a 25 million-euro project. It also plans to provide assistance to enable countries in the region to control their territorial waters and their exclusive economic zones.

North Atlantic Treaty Organization

43. NATO is contributing, through Operation Ocean Shield, to the efforts of the international community to fight piracy off the Somali coast. The initiative comprises up to five NATO vessels that patrol the waters off the coast of the Horn of Africa and along the Internationally Recommended Transit Corridor. Operation Ocean Shield is authorized to escort United Nations-chartered vessels up to the harbour entrance of Mogadishu. The NATO operation routinely provides at least one third of warships within the Internationally Recommended Transit Corridor in the Gulf of Aden, for which NATO has been acting as coordinator since June 2011.

44. The North Atlantic Council recently conducted a strategic review of Operation Ocean Shield and concluded that its counter-piracy role will continue to focus on areas in which it possesses a comparative advantage. In addition, NATO has agreed to pursue regional capacity-building within its means and capabilities.

Combined Maritime Forces

45. As noted in my previous report (S/2010/556), the Combined Maritime Forces are a United States-led international naval coalition of 25 nations that conducts integrated and coordinated operations in the Gulf of Aden, the Gulf of Oman, the Arabian Sea, the Arabian Gulf, the Red Sea and parts of the Indian Ocean. It is made up of three distinct Combined Task Forces (CTF): CTF-150, CTF-151 and CTF-152. The Forces conduct counter-piracy operations through CTF-151, while CTF-150 and CTF-152 conduct maritime security operations and aid in the building of regional capacity in the area of operations.

46. During the reporting period, CTF-151 successfully deterred multiple pirate attacks, rescued a motor vessel with pirates aboard, responded to emergency calls from vessels in distress and seized large quantities of contraband, including weapons, drugs and related materials. In addition, CTF-151 played a critical role in encouraging and implementing tactical "de-confliction" between all ships and Member States operating in the Gulf of Aden. During the reporting period, CTF-151 served as coordinator for the Internationally Recommended Transit Corridor and currently serves as the Somali Basin coordinator.

Additional efforts by Member States

47. The efforts made by the multinational coalition forces are complemented by individual activities conducted by Member States off the coast of Somalia. China, India, the Islamic Republic of Iran, Japan, Kenya, Malaysia, Saudi Arabia, South Africa and Yemen have deployed naval ships and/or aircraft to combat piracy in the region. In varying degrees of coordination with the coalition forces, their vessels have escorted hundreds of merchant ships; provided close protection for designated merchant vessels, including for vessels released by pirates; conducted rescue operations for vessels in distress; and confiscated large quantities of weapons and other contraband. China, India and Japan have also agreed to carry out more effective coordination by establishing a convoy coordination working group as part of the Shared Awareness and Deconfliction mechanism.

Coordination of military and civil-military initiatives

48. There are several mechanisms in place to coordinate the activities of the military naval assets off the coast of Somalia. During the reporting period, the Shared Awareness and Deconfliction mechanism, chaired by the Combined Maritime Forces, NATO and the European Union Naval Force, continued to improve military coordination. At the group's last meeting, on 20 September 2011, more than 27 countries and 14 organizations, including maritime security and coordination agencies, were represented, together with three coalitions and representatives of industry.

49. Civil-military coordination and full implementation of IMO guidance and the Best Management Practices are the key elements of the strategy to protect global maritime trade in the high-risk area. The primary mechanism for protecting merchant vessels transiting through the Gulf of Aden remains the collaboration between industry and the naval presence through the use of the Internationally Recommended Transit Corridor, as endorsed by IMO in July 2009. This enables pre-registered commercial traffic to transit through high-risk seas at appropriate times, protected by the naval assets patrolling in the region and convoyed by independent deployers like China, India, Japan and Russia. In the wider Indian Ocean, situational awareness and avoidance of pirate action groups remains key. Naval forces regularly promulgate threat-related information to ships registered with the Maritime Security Centre (Horn of Africa) and reporting to UK Maritime Trade Operations in Dubai.

50. Beyond those efforts, there is a need to expand and formalize the mechanism for investigative and prosecutorial purposes. Information obtained by military assets at sea should be made available to various law enforcement and judicial bodies, such as the Monitoring Group on Somalia and Eritrea established pursuant to Security Council resolution 1916 (2010) and INTERPOL. IMO has recently issued guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships (MSC.1/Circ.1404) as a complement to the existing IMO Code of Practice on the same subject.

E. Assistance provided to the World Food Programme and the United Nations Support Office for the African Union Mission in Somalia

51. Safe delivery of humanitarian assistance to the Somali region is critical. At present, 14 million people are affected by drought in the Horn of Africa, including some 3.7 million in Somalia and almost 800,000 refugees who are seeking assistance in other countries of the region. Ensuring safe and efficient sea transport is a priority for WFP to provide life-saving humanitarian aid to vulnerable populations in Somalia and the broader region. European Union Naval Force (EU NAVFOR) Operation Atalanta was launched in support of Security Council resolutions 1814 (2008), 1816 (2008), 1838 (2008) and 1846 (2008). Its mandate is to contribute to the protection of WFP vessels delivering food aid to vulnerable populations in Somalia, of UNSOA delivering materials to the African Union Mission in Somalia (AMISOM); and of vulnerable vessels sailing in the Gulf of Aden and off the Somali coast.

52. Since the deployment of Atalanta, not a single ship carrying WFP food has been attacked by pirates. However, there were two unsuccessful attempts on AMISOM supplies. During the reporting period, about 62,000 tons of WFP assistance was safely escorted into Somalia through Mogadishu, Boosaaso and Berbera ports. WFP works closely with EU NAVFOR to secure agreements with flag States to ensure the embarkation of a vessel protection detachments in order to improve the protection provided by EU NAVFOR through operation ATALANTA. Following an agreement between NATO and the United Nations, training for AMISOM vessel protection detachments will start shortly. The use of vessel protection detachments on certain ships that are dedicated to provide supplies to AMISOM will be done on a case-by-case basis.

F. Further efforts to safeguard international navigation off the coast of Somalia

53. The IMO Maritime Safety Committee, at its eighty-eighth session in late 2010, approved guidance for Company Security Officers to help prepare a company and crew for the contingency of hijack by pirates in the western Indian Ocean and the Gulf of Aden (MSC.1/Circ.1390). In May 2011, the Maritime Safety Committee, at its eighty-ninth session, adopted a resolution on the implementation of Best Management Practices guidance, strongly urging all parties concerned to take action to ensure better implementation of these self-protection measures (resolution MSC.324(89)). In addition to document MSC.1/Circ.1404, it also provided interim guidance on the use of privately contracted armed security personnel on board ships in areas of high risk of piracy to shipowners, ship operators and shipmasters (MSC.1/Circ.1405), as well as interim recommendations for flag States (MSC.1/Circ.1406).

54. IMO continues to assist in the further development of these guidelines through both the Maritime Safety Committee and the Facilitation Committee. An intersessional meeting of the Maritime Security and Piracy Working Group held from 13 to 15 September, as authorized by the Maritime Safety Committee, reviewed the interim guidance developed at the eighty-ninth session, the Maritime Safety Committee, and issued revised interim recommendations for port and coastal States, shipowners, ship operators and ship masters, and flag States, regarding the use of privately contracted armed security personnel on board ships in the high-risk area. This guidance does not alter the IMO position on the use of privately contracted armed security personnel, which remains that it is for each flag State, individually, to decide whether or not armed security personnel should be authorized for use on board ships flying their flag. If a flag State decides to permit this practice, it is up to that State to determine the conditions under which authorization will be granted.

55. In a letter addressed to me, the International Chamber of Shipping lamented the lack of effectiveness of the use of private armed security on ships. It put forward a proposal to establish a United Nations force of armed military guards that could be deployed on merchant ships.

56. WFP has been working closely with IMO and EU NAVFOR to improve the safety of the vessels used for our Somalia operations. Initiatives have focussed on deterrent measures such as the inclusion of vessel protection detachment in contract

provisions, and seeking companies operating vessels under flag States with which the EU NAVFOR has secured vessel protection detachment agreements. WFP has improved travel time by better organizing port schedules and the long-term charter of a modern vessel.

G. Legal issues, including human rights considerations

Report of the Special Adviser to the Secretary-General on legal issues related to piracy off the coast of Somalia

57. At the conclusion of his mandate, my Special Adviser on legal issues related to piracy off the coast of Somalia put forth in his report (S/2011/30, annex) 25 proposals on measures to be taken to address piracy off the coast of Somalia. The proposals touched on a number of legal, political and socio-economic issues. The Security Council, in its resolution 1976 (2011), welcomed the report and noted with appreciation the conclusions and proposals set forth therein.

Prosecution of suspected pirates

58. During the reporting period, there was a notable increase in prosecutions of suspected pirates. As at 3 October 2011, over 1,000 suspected pirates had been prosecuted or were awaiting prosecution in 20 States: Belgium; Comoros; France; Germany; India; Japan; Kenya; Madagascar; Malaysia; Maldives; Netherlands; Oman; Seychelles; Somalia; Republic of Korea; Spain; United Arab Emirates; United Republic of Tanzania; United States and Yemen. The prosecutions are a result of increased apprehension of suspected pirates with improved gathering and preservation of evidence, enhanced information-sharing, strengthened legislative frameworks in some States, and increased political willingness to undertake prosecutions.

59. However, a large number of suspected pirates are still not prosecuted for a variety of legal, practical and political reasons, including the successful evasion of naval forces, insufficiency of evidence to prosecute, and the failure to identify a jurisdiction able and willing to prosecute. A new enforcement chapter in the fourth edition of the Best Management Practices directives for seafarers and owners of vessels providing guidance on post-incident evidence preservation and collection. INTERPOL has set up a mechanism to provide real time advice to owners of vessels and private industry in this regard.

Capacity-building

60. IMO, INTERPOL, the Office of Legal Affairs, the United Nations Development Programme (UNDP), UNODC and others have undertaken a range of activities to assist States in developing their capacity to apprehend, detain and prosecute suspected pirates in full respect of international norms and standards.

61. Based on the support of the Contact Group on Piracy off the Coast of Somalia at its ninth plenary session and the resolutions adopted at both the INTERPOL African and European regional conferences, INTERPOL Washington is developing a maritime piracy global database that will integrate a diverse collection of maritime piracy information and intelligence to support ongoing maritime piracy investigations and prosecution by Member States of criminal networks involved in

piracy off the coast of Somalia. The database will be transferred to the INTERPOL General Secretariat in 2012 and will be accessible to the international law enforcement community.

62. UNDP has continued to provide assistance and capacity-building to the police in Somalia. A total of 96 officers of the Criminal Investigation Department in "Puntland" and "Somaliland" were trained during the reporting period. With the aim of strengthening the capacity of the Somali judiciary to prosecute suspected pirates in accordance with international standards, a total of 32 judges and prosecutors graduated through UNDP-accredited training programmes in Hargeysa, Mogadishu and Boosaaso. UNDP equipped the Assize Court in Boosaaso, which is conducting the majority of piracy trials in Somalia. The UNDP legal assistance programme, with the support of the Trust Fund, was expanded to all regions in "Somaliland", "Puntland" and Transitional Federal Government-controlled areas in Mogadishu, providing free legal advice and representation to more than 6,000 people and representing 107 suspected pirates during the reporting period. The construction of Gardo Prison is about to be completed and is expected to be handed over to the "Puntland" authorities by the end of 2011.

63. During the reporting period, efforts at integrating regional countries of UNODC programmes were expanded. UNODC continued to support the counter-piracy programme in Kenya through increased capacity-building of the judiciary and prosecutors, law enforcement, and refurbishment and training in Kenyan prisons, which hold 143 suspected or convicted pirates. A three-week criminal investigator course was organized in Nairobi, as was a week-long course at the UNODC-refurbished Shimo La Tewa Prison, in Mombasa. In addition, UNODC has expanded its support to Seychelles, as a result of the agreement of the Government to play a larger role in piracy prosecutions, and is completing the construction of a 60-person prison block. Efforts at expanding the capacity to detain pirates within Somalia have been moving apace. A major accomplishment in this regard is the new Hargeysa prison, which opened towards the end of 2010. In Boosaaso, UNODC refurbished a prison through the Trust Fund.

64. With the aim of eventually hosting piracy trials in Somalia, UNODC has organized a training course for "Somaliland" and "Puntland" prosecutors. UNODC continued to facilitate the repatriation to Somalia of convicted pirates who have served their sentences in regional countries, as well as illegal immigrant Somalis acquitted of piracy charges. In late 2010, UNODC helped repatriate 17 Somalis acquitted of piracy from Nairobi to "Puntland". More recently, 10 Somali men were repatriated to "Puntland" after completing their sentences imposed for piracy convictions in Kenya.

National legislation on piracy

65. The Office of Legal Affairs, IMO and UNODC prepared guidance documents on the elements of national legislation on piracy, focusing on the implementation of international legal instruments under their respective competences that were issued by the IMO Legal Committee in May 2011. A compilation of national legislation on piracy provided by States to the United Nations is available on the Office of Legal Affairs website.

Prosecution issues

66. Article 100 of the United Nations Convention on the Law of the Sea requires all States to cooperate to the fullest possible extent in the fight against piracy. During the period under consideration, a number of States entered into arrangements to facilitate the prosecution of suspected pirates.

67. Agreements on the transfer of convicted pirates were signed between the Government of Seychelles and the Transitional Federal Government, "Puntland" and "Somaliland". These agreements were enabled by the efforts of Working Group 2 of the Contact Group on Piracy off the Coast of Somalia and will allow Seychelles to move convicted Somali pirates back to "Puntland" and "Somaliland" to serve their sentences. Since the agreements were signed, "Somaliland" has indicated that it wishes to give the matter more consideration before proceeding. In the case of "Puntland", the first transfers may take place once UNODC has completed the rehabilitation of Boosaaso Central Prison.

68. The European Union and Mauritius signed an agreement for the prosecution of piracy suspects detained by EU NAVFOR. UNODC developed a joint programme with the European Union to support the prosecutions.

69. UNODC received reports that 60 convicted pirates were released from prison in "Somaliland" following the payment of bribes to court and prison officials. Statements by "Somaliland" authorities to visiting national delegations seem to confirm that and at least one senior judge and an official from the prisons have been reported to have been removed from their posts.

70. During the reporting period, the Security Council and the Contact Group considered additional mechanisms for the prosecution of suspected pirates. My Special Adviser, in his report, proposed to strengthen the rule of law in Somalia by establishing a court system comprising a specialized court in "Puntland", a specialized court in "Somaliland" and an extraterritorial Somali specialized court. As requested by the Security Council, in its resolution 1976 (2011), I submitted my report (S/2011/360) on 15 June 2011, on the modalities of such prosecution mechanisms, including on the participation of international personnel and on other international support and assistance, taking into account the work of the Contact Group on Piracy off the Coast of Somalia and in consultation with concerned regional States.

Protection of children

71. The Monitoring and Reporting Mechanism on grave violations against children in armed conflict, implemented in Somalia pursuant to Security Council resolution 1612 (2005), continued to document information on children involved in piracy. In January and February 2010, 10 cases of recruitment of children into the pirate groups that operate off the "Puntland" coast were documented. In addition, during 2010, several cases were documented of children escaping from Al-Shabaab and joining the pirate groups in "Puntland". In 2011, the United Nations received 14 verified cases of child rights violations, of which two cases were reported from "Puntland" and 12 cases from South Central zone. Nine of the reported cases were of rape and five of illegal abduction. All nine cases of rape were documented in Galkayo/Central zone, and all victims were girls under the age of 16. At least half of the rapes cases were alleged to be gang rape by pirates. Legal and policy provisions

need to be put in place to ensure that these children are treated in accordance with relevant international standards and norms for the protection of children alleged as, accused of or recognized as having infringed the penal law.

Human rights

72. The increasing trend of the use of violence by pirates against their captives, both severe physical and psychological abuse, has been more frequently observed in recent studies, and highlights the crucial importance of bringing the transgressors to justice. While prosecutions of acts of piracy continue to be conducted in several States, the strengthening of the rule of law in Somalia, while respecting the country's territorial integrity and sovereignty, is central to bringing about justice. Human rights considerations continue to be important in guiding the actions of States in all phases of counter-piracy operations, including the apprehension, the detention, the prosecution and the transfer of suspected pirates, and equally in the imprisonment of convicted pirates. The United Nations, through the work of UNDP, UNPOS, the Office of the United Nations High Commissioner for Human Rights, UNODC and other entities, is assisting Somalia to build the necessary capacity in the areas of human rights, security and justice.

V. Targeted sanctions

73. The final report of the Monitoring Group on Somalia and Eritrea, established pursuant to resolution 1916 (2010), issued on 18 July 2011 (S/2011/433), points to the growing importance of pirate negotiators. The recommendations of the Monitoring Group with regard to piracy include designating pirates identified by the Monitoring Group or Member States for targeted measures; establishing, as an interim measure, a specialized investigative body with a mandate to collect information, gather evidence and record testimonies; outboarding engines of 40 horsepower and above, as "dual-use" items, whose transfer, sale or export to Somalia represents a potential breach of the general and complete arms embargo; the establishment of a transparent coordination and regulatory framework for the issuance of fishing licences; the designation of a NATO responsible officer to whom the Monitoring Group may send formal requests for cooperation and information sharing; and the establishment of an international legal framework that regulates the activities of private maritime security companies providing armed protection to vessels in international waters. The Monitoring Group has recommended several pirate leaders for designation under Security Council resolution 1844 (2008).

74. On 29 July 2011, the Security Council adopted resolution 2002 (2011), by which it extended and expanded the mandate of the Monitoring Group on Somalia and Eritrea. The Monitoring Group began its work in September 2011 and will continue to investigate and report on pirate militias and their financiers, facilitators, negotiators, active supporters and beneficiaries.

VI. Coordination role of the United Nations

75. Addressing piracy and armed robbery at sea off the coast of Somalia has posed a complex challenge to Somalia and the international community. The response has been multifaceted, involving State and non-State actors from a wide geographical

area, and covering a large area of expertise, both civilian and military. The United Nations has supported this response through the mobilization of several departments, programmes and specialized agencies. Central to the success of these efforts is their effective coordination, ensuring that they are integrated into the overall strategy aimed at achieving a peaceful Somalia that can eventually address its law and order challenges.

76. UNPOS, as the United Nations focal point for counter-piracy off the coast of Somalia, has established a Nairobi-based integrated task force of relevant United Nations entities working on Somalia called the Nairobi Cluster, with regional organizations as partners. UNPOS also co-chairs a counter-piracy technical working group with the participation of Member States involved in counter-piracy efforts. It further facilitates the coordination of Somali efforts, together with IMO and UNODC, through the Kampala Process, and leads outreach activities. In 2011 UNPOS launched a public information campaign through local partners, including in "Puntland" and in South Central Somalia. Community and religious leaders, government officials, youth and women's groups and Somali media participated in the project.

77. At Headquarters, the sub-working group on piracy of the Integrated Task Force for Somalia, chaired by the Department of Political Affairs of the United Nations Secretariat and comprising 16 United Nations entities and INTERPOL, continued to meet regularly to ensure information sharing and coordination of the United Nations counter-piracy efforts. In addition, the Under-Secretary-General for Political Affairs chairs the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. The United Nations remains committed to working closely with the Contact Group on the development of strategic priorities of the international counter-piracy response, and to ensure that those efforts are closely integrated with our common support for Somalia's peace process.

VII. Observations

78. In a few short years, the international community has considerably advanced the fight against piracy off the coast of Somalia. The continued naval presence of Member States has succeeded in reducing the number of incidents of piracy and armed robbery at sea in the region and led to an increase in the number of pirates being arrested and prosecuted. Information sharing and coordination among a large variety of international naval forces through the innovative Shared Awareness and Deconfliction mechanism improved. There is a greater level of cooperation between the navies, shipowners and international law enforcement. More shipowners are protecting their staff and vessels through the implementation of the Best Management Practices, which are still considered the first line of defence against piracy and are now more widely disseminated. Also, work is progressing to track the financial dealings of the masterminds of the piracy enterprise.

79. The protection of the much-needed humanitarian shipments carried out by WFP, and of the AMISOM supply lines, is valuable in terms of alleviating the suffering inside Somalia, as well as coping with the military changes on the ground. I wish to thank, inter alia, the European Union, NATO and all Member States participating in the deterrence effort at sea.

80. Despite the recent successes in containing pirates, the threat of piracy remains. In fact, that threat extends to wider areas because of the increasing sophistication of means available to the pirates. In addition, Somali pirate attacks are expected to surge in the coming weeks after the monsoon season abates. It is therefore necessary for Member States and other international actors to redouble their efforts in order to build upon the recent successes.

81. I am concerned by the reports of linkages between Al-Shabaab and pirate groups. Stronger law enforcement measures by some regional authorities in Somalia have had the effect of pushing pirate dens into areas that straddle Al-Shabaab's zone of influence.

82. I have stressed that the fight against piracy off the coast of Somalia can be won only through an integrated strategy that tackles deterrence, security and the rule of law, and development. Such an approach suggests that the factors that feed piracy would need to be tackled more forcefully both by Somalia and the international community. Counter-piracy efforts should be a more integral element of the Somalia peace process. In this regard, the segments related to counter-piracy of the recently agreed Mogadishu road map are a step in the right direction.

83. While the elimination of piracy is a central goal, it would be important to lay out interim priorities in fighting the scourge. One such goal would be to complement current maritime security operations with more effort inshore, in the zone between the coast and international waters. I am aware of the legal and resource issues this proposition raises, and of the concerns with developing coast guard capacity in the region. This aspect of the counter-piracy effort requires closer attention.

84. I encourage Member States and multinational organizations to consider how they could contribute further to address the root causes of piracy, including through developing land-based initiatives to strengthen Somali and regional maritime and law enforcement capacity. In addition, there is a need to further probe how the logistical chain used by pirates on land could be disrupted. There is a risk that groups engaging in piracy will use their financial and fire power to consolidate and enlarge their land-based militias. The financial and arms dealings of pirate gangs would need to be targeted more vigorously, including by making stronger use of the Somalia sanctions regime. This could entail a strengthening of the investigative mandate of the monitoring group in relation to piracy, and putting the pirate masterminds on the corresponding sanctions list.

85. I am deeply concerned at the fate of the victims from all over the world who remain in the hands of the pirate criminals. Most often, they are kept in difficult and inhumane conditions. I encourage States, industry and humanitarian organizations to expand initiatives that help relieve the suffering of captive mariners and others exposed to the trauma of a piracy attack. I support a call by the recently held counter-piracy conference in Dubai to hold a conference that addresses these issues. I would like to express my gratitude to all involved in helping to secure the release of hostages, including Somali authorities, Governments, regional organizations, industry and relevant United Nations entities.